

## ORDINANCE NO. 49-09

BY: LARRY NAPOLI

AN ORDINANCE TO ENACT SECTION 331.47  
"IDLE REDUCTION, EXEMPTIONS, PENALTY"  
OF CHAPTER 331 "OPERATION GENERALLY"  
OF THE CODIFIED ORDINANCES OF THE  
CITY OF PARMA

WHEREAS, Cleveland as well as most of Northeast Ohio is in violation of Federal Clean Air Standards (called non-attainment) for both ozone and fine particle matter. This finding has severe impacts for both the health and economic future of our area as non-attainment status may limit production capabilities of existing industries and could keep new industries from locating in our region; and,

WHEREAS, idling dirties the air and causes significant health impacts. Diesel exhaust can be especially harmful to the elderly and children who are more susceptible to air pollution than healthy adults; and,

WHEREAS, idling for more than just 10 seconds uses more fuel than restarting engines. One hour of idling consumes one gallon of fuel, and idling for 10 minutes a day uses more than 27 gallons of fuel a year; and,

WHEREAS, idling causes significantly more wear on internal engine parts compared to driving at regular speeds; and,

WHEREAS, reducing idling makes the air cleaner in the community, saves money by not wasting fuel, and reduces the wear-and-tear on engines;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO:

Section 1. That Section 331.47 "Idle Reduction, Exemptions, Penalty" of the Codified Ordinances of the City of Parma, is hereby enacted to read as follows:

**"331.47 IDLE REDUCTION, EXEMPTIONS, PENALTY.**

(a) **Purpose.** The purpose of this section is to protect public health and the environment by reducing emissions while conserving fuel, maintaining adequate rest and safety of all drivers, and removing barriers to economic development imposed by the region's air quality status under the federal Clean Air Act.

(b) **Applicability.** As used in this section, "vehicle" has the same meaning as in Section 4511.01 of the O.R.C.

(c) **General Requirement.** Except as providing in division (d) of this section,

(1) The owner or operator of a vehicle shall not cause or allow a vehicle to idle for more than 5 minutes in any 60-minute period; and,

(2) the owner or operator of a vehicle that is loading or unloading at a loading dock or loading/unloading area, and the owner or operator of the loading dock or loading/unloading area, shall not cause or allow a vehicle to idle in that loading/unloading area for more than 10 minutes in any 60 minute period.

(d) **Exemptions.** Division (c) of this section does not apply when:

(1) The outdoor temperature is below 32 degrees Fahrenheit or above 85 degrees Fahrenheit. However, idling is limited to 10 minutes in any 60 minute period.

- (2) To prevent a safety or health emergency, a vehicle idles when operating defrosters, heaters, air conditioners, or when installing equipment.
- (3) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.
- (4) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator.
- (5) The primary propulsion engine idles for maintenance, servicing, repair, or diagnostic purposes if idling is required for such activity, or idles as part of a state or federal inspection to verify that all equipment is in good working order, providing idling is required as part of the inspection.
- (6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This example does not apply when idling for cabin comfort or to operate non-essential on-board equipment.
- (7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- (8) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a required rest or sleep period.
- (9) A vehicle idles due to mechanical difficulties over which the driver has no control.
- (10) A vehicle is only operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine.
- (11) A vehicle is actively engaged in work upon the surface of a street or highway, including construction, cleaning, and snow removal activities, and the operator is in the vehicle.

**(e) Penalty.** Whoever violates this section shall be guilty of a minor misdemeanor."

Section 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. That this Ordinance shall be in effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_ PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
CLERK OF COUNCIL

FILED WITH  
THE MAYOR: \_\_\_\_\_ MAYOR, CITY OF PARMA, OHIO